

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVEN JOHN OLAUSEN,)	3:13-CV-0388-MMD (VPC)
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	October 20, 2014
)	
SGT. MURGUIA, et al.,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

On September 3, 2014, plaintiff filed a motion to amend his complaint (#73). This case was stayed pending a settlement conference that was conducted on September 25, 2014 (#83). Following the settlement conference, the court entered an order granting the defendants until Friday, October 17, 2014 to file an opposition to plaintiff motion to amend (#86).

Rather than file an opposition to the motion, defendants filed a motion for further stay of proceedings and instructing this court that it is *required* to conduct a second screening of this action (#88). At this stage of the case, the court will not screen plaintiff's amended complaint, nor is it mandated to do so. The court has reviewed the defendants' citations to unpublished opinions in other districts which were cited by the deputy attorney general in support of the proposition that the court is required to screen amended § 1983 complaints. While a court may elect to rescreen an amended complaint, it is not mandated by statute as the Attorney General suggests. This is at least the third instance that the Office of the Attorney General has told the court that it is required to screen an amended complaint in a case that was initially screened and filed years prior to the amended complaint.

Defendants' motion for a stay of proceedings (#88) is **DENIED**. If defendants oppose plaintiff's motion to amend, they shall file such opposition no later than **Wednesday, October 22, 2014**. Otherwise, plaintiff's motion to amend will be granted as unopposed and the case will proceed on the amended complaint as prepared by plaintiff.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk